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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,554	01/11/2002	John K. Brixius	GS1-0007US	7333

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EXAMINER

ZECHER, MICHAEL R

ART UNIT	PAPER NUMBER
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3609

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/06/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhpto@leehayes.com

Office Action Summary

Application No.

10/043,554

Applicant(s)

BRIXIUS ET AL.

Examiner

Michael R. Zecher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/18/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 23-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/11/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election without traverse of claims 23-43 in the reply filed on February 18, 2007, is acknowledged.
2. The following is a non-final, first office action on the merits. Claims 23-43 are pending.

Claim Objections

3. Claim 23 is objected to because of the following informalities: "a number allocated securities" within the claim language is missing the preposition "of." Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 24-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Dickstein et al. (U.S. 2002/0087373).

As per claim 23, Dickstein et al. teaches a method for providing restricted security distribution instructions to a transfer agent comprising the steps of:

receiving information from a Venture Capitalist ("VC") in electronic form, the distribution information including data indicating for each participant in the distribution a

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name, an identification number, and a number [of] allocated securities (See paragraphs 26, 28-29, & 53 which discuss how a database is maintained to catalog the capitalization structure of a company, including information about shares; how changes to the capitalization structure can be incorporated into the database electronically; and mentions potential users, such as venture capitalists);

importing the distribution information into a database system (See paragraph 28 & 29 which discuss how changes to the capitalization can be incorporated into the database electronically);

matching participants identified in the distribution information to participant information previously entered in the database system (See paragraphs 33 which discusses checking to see if the company in question has a corporate identifier entry; and how the database can be searched to see if a person or entity has been created within the database, and if not, creating a new record);

associating each respective participant in the distribution with a contact from which instructions regarding disposition of the allocated securities to the respective participant can be obtained (See paragraph 33 which discusses the managerial functions of the database administration system, including determining the class of options to be granted);

indicating contacts who must be contacted to obtain distribution instructions for associated participants (See paragraph 33 which discusses determining the class of options to be granted based on distribution instructions, including determining if the person to receive the option is an employee);

storing distribution instructions received from contacts in the database system
(See claim 44 which discusses a sequence of instructions used to manage the capitalization structure, including allowing a representative of a company, a stakeholder, or an agent of a company to access data regarding the company);

generating a report containing received instructions for the participants in the distribution (See claim 46 which discusses creating projections and reports based on the data as applied to various capitalization scenarios); and

providing the report to a transfer agent (See paragraph 37 which discusses alerting the transfer agent directly to issue stock for the identified option holder).

As per claim 24, Dickstein teaches scrubbing the received information prior to the importing step (See paragraphs 20-21, 30, & 33 which discusses how a server computer, containing a processor for processing information, communicates with a client computer using conventional means; for example, entering tentative option grants and updating related information via the internet--whereupon the database is checked to see if the company or person corresponds with records kept in the database);

As per claim 25, Dickstein teaches wherein the step of matching participants comprise the steps of:

identifying previously stored records in the database system containing matching identification numbers (See paragraph 33 which discusses checking to see if a company in question has a corporate identifier entry, and searching the database to see if the person or entity has been created within the database);

indicating difference between data in identified records and the distribution data received from the VC (See paragraph 33 & 35 which discusses determining the option to be granted, including checking the database to see if the option plan exist; and, furthermore, determining if the option plan has an early exercise feature); and

indicating participants in the distribution for which no matching previously stored record was found (See paragraph 33 which discusses searching the database to see if the person or entity has been created within the database, and if not, creating a record).

As per claim 26, Dickstein teaches defining distribution restrictions for a particular participant (See paragraph 35 which discusses allowing a derivative security holder to exercise an option, SPR, CPN, or a warrant based on certain restrictions).

As per claim 27, Dickstein teaches dynamically indicating the contacts for participants in the distribution and a contact status for the indicated contacts (See claims 1, 17, & 65, and paragraph 33 which discusses updating data regarding a company through an update mode; and checking the database for a corporate identifier and/or a person or entity that has been created within the database);

As per claim 28, Dickstein teaches upon the selection of an indicated contact indicating all open items for which the contact must be contacted (See paragraph 28 which discusses how information related to changes in capitalization structure or in the relationship between the security holders and the company will be reported to company contacts and the database administration system via company contacts).

As per claim 29, Dickstein teaches wherein the step of generating is performed on a periodic basis (See paragraph 44 which discusses producing a report detailing

what entries and modifications have been made by whom and when as of the date the report was generated).

As per claim 30, Dickstein teaches wherein the step of generating is on demand (See paragraph 44 which discusses how the system automatically notes what entries and modifications have been made by whom and when and, furthermore, generating a detailed report).

As per claim 31, Dickstein teaches wherein the step of generating is performed in response to the receipt of distribution instructions for at least one participant (See paragraph 44 which discusses how the name of a user entering data regarding a transaction or modifying data regarding a transaction is automatically noted by the system; and how the system generates detailed reports).

As per claim 32, Dickstein teaches wherein the report is incremental (See claim 2 and paragraph 44 which discusses creating reports detailing entries and modifications that have been made by whom and when as of the date the report was generated).

As per claim 33, Dickstein teaches wherein the report is provided to the transfer agent in electronic form (See paragraph 49 which discusses how reports can be accessed via the web by the company, accounting professionals, the venture capital community).

As per claim 34, Dickstein teaches a system for generating restricted security distribution instruction reports suitable for use by a transfer agent, the system comprising:

a database (See paragraph 26 which discusses how a database is maintained to catalog the capitalization structure of a company);

at least one client computer system having access to the database (See paragraph 31 which discusses how a stakeholder, a person or agent who conducts business with the company, can access the information stored in the database via the web page);

a database import module configured to import into the database distribution information received from an originating entity in electronic form (See Figure 1, #100 & #110, and paragraph 20, which discuss conventional means by which clients may supply information to the web server through the World Wide Web and the web server may return process data to the clients), the distribution information including data indicating for respective participants in the distribution a name, an identification number, and number of allocated securities (See paragraphs 26 & 28-29 which discuss how a database is maintained to catalog the capitalization structure of a company, including information about shares; and, furthermore, how changes to the capitalization structure can be incorporated into the database electronically);

a participant matching module configured to match participants identified in the distribution information to participant information previously stored in the database (See Figure 2, #201, #202, and #204, and paragraph 33, which discusses a computer system comprising of a communication means for communicating information, a processing means for processing information, and a dynamic storage device; checking to see if the company in question has a corporate identifier entry; and, additionally, how the

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database can be searched to see if a person or entity has been created within the database, and if not, creating a new record);

a participant contact association module configured to associate each participant in the distribution with a contact from which instructions regarding the disposition of the securities allocated to the participant can be obtained (See Figure 2, #201, #202, and #204, and paragraph 33, which discusses a computer system comprising of a communication means for communicating information, a processing means for processing information, and a dynamic storage device; and the managerial functions of the database administration system, including determining the class of options to be granted);

a call queue module configured to indicate contacts who must be contacted to obtain distribution instructions for associated participants (See Figure 2, #201, #202, and #204, and paragraph 33, which discusses a computer system comprising of a communication means for communicating information, a processing means for processing information, and a dynamic storage device; and, furthermore, determining the class of options to be granted based on distribution instructions, including determining if the person to receive the option is an employee);

at least one disposition module configured to store distribution instructions received from the contacts (See Figure 2, #204, and paragraph 21, which discusses a computer system containing a dynamic storage device used for storing information and instructions to be executed by a processor).

a participant instruction report module configured to generate a report containing received instructions for the participants, the report suitable for electronic transfer to agents (See Figure 3, #322 & #326, paragraph 29, and paragraph 37, which discusses how the database administration software generates reports processed during data analysis that are capable of alerting transfer agents directly).

As per claim 35, Dickstein teaches a scrubbing module configured to format the received information and to verify that required data fields are present prior to processing of the received information by the import module (See Figure 1, #100 & #110, and paragraphs 30 & 33, which discuss conventional means by which clients may supply information to the web server, the server computer includes a processor for processing information; and, furthermore, entering tentative option grants and updating related information via the internet--whereupon the database is checked to see if the company or person corresponds with records kept in the database).

Claim 36 recites equivalent limitations to claim 25 and is therefore rejected using the same art and rationale set forth above.

As per claim 37, Dickstein teaches wherein the call queue module is configured to dynamically indicate contacts for participants in the distribution and a contact status for the indicated contacts (See Figure 2, #201, #202, and #204, claims 1, 17, & 65, and paragraph 33, which discusses a computer system comprising of a communication means for communicating information, a processing means for processing information, and a dynamic storage device; and, furthermore, updating data regarding a company

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through an update mode; and checking the database for a corporate identifier and/or a person or entity that has been created within the database).

Claims 38-42 recite equivalent limitations to claims 28-32, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 43, Dickstein teaches wherein the database comprises a plurality of tables including tables forming:

an allotment cluster configured to store information related to distribution tasks to be performed by the facilitator (See Figure 4 & 5, and paragraph 31, which discuss altering stored data, including options to be granted, using a web page interface);

a participant cluster configured to store individual account level reference information (See Figure 4 & 5, and paragraph 31, which discusses how a stakeholder, a person or agent who conducts business with the company, can access information stored on a database);

a contact cluster configured to store contact reference information (See Figures 4 & 5, and paragraph 33, which discuss a variety of managerial functions on securities, including checking corporate identifier entries, determining the class of option to be granted by searching the database to see if a person or entity has been created within the database, and if not, creating a record);

a project cluster configured to store information related to specific security distribution projects (See Figures 4 & 5, and paragraph 26, which discusses maintaining a database that catalogs the capitalization structure of a company).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cristofich et al. (U.S. 6,173,270) discloses a stock option control and exercise system.

Shields et al. (U.S. 2002/0042771 A1) discloses a system and method for implementing employee stock plans.

Cristofich et al. (U.S. 6,269,346) discloses a stock option control and exercise system.

Brixius (U.S. 2002/0038275) discloses restricted securities processing.

Minton (U.S. 6,014,643) discloses an interactive securities trading system.

Korhammer et al. (U.S. 6,278,982) discloses a securities trading system for consolidation of trading on multiple ECNS and electronic exchanges.

Keiser et al. (U.S. 5,950,176) discloses a computer-implemented securities trading system with a virtual specialist function.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Zecher whose telephone number is 571-270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRZ


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PRIMARY EXAMINER